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*Attorneys for Defendants World
Wrestling Entertainment, LLC, and
Fanatics, LLC*

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

WESLEY EISOLD, an individual,

Plaintiff,

vs.

CODY GARRETT RUNNELS, an
individual, WORLD WRESTLING
ENTERTAINMENT, LLC, a limited
Liability company; and FANATICS,
LLC, a limited liability company,

Defendant.

Case No.: 2:24-CV-07516-AB(MARx)
[Hon. André Birotte Jr.]

**DECLARATION OF STACEY H.
WANG IN SUPPORT OF**

**DEFENDANTS' MOTION TO
DISMISS PLAINTIFFS' SECOND
AMENDED COMPLAINT**

AND

**DEFENDANTS' REQUEST FOR
JUDICIAL NOTICE**

Date: Aug. 8, 2025
Time: 10:00 A.M.
Ctvm: 7B

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DECLARATION OF STACEY H. WANG

I, Stacey H. Wang, declare as follows:

1. I am over the age of 18 and have personal knowledge of the matters stated herein. I could truthfully testify thereto if called upon as a witness.

2. I am a partner at the law firm of Holland & Knight LLP and am counsel for Defendants World Wrestling Entertainment, LLC (“WWE”) and Fanatics, LLC (“Fanatics”).

Pre-Motion Meet and Confer

3. Prior to filing the Motion to Dismiss Plaintiff’s Second Amended Complaint (the “Motion”), I have met through videoconference and by phone with Heather Pickerell, counsel for Plaintiff Wesley Eisold, on several occasions regarding Defendants’ positions in compliance with L.R. 7-3, the most recent of which was on July 3, 2025.

4. During these discussions, we discussed each side’s positions with respect to Plaintiff’s Second Amended Complaint (“SAC”) multiple times. We were unable to reach resolution that eliminates the necessity of the Motion.

5. We discussed (i) Defendants’ position that Plaintiff has failed to adequately plead the claims in the SAC (all Counts), including the breach of the March 14, 2021, Settlement and Coexistence Agreement between Defendant Cody Runnels and Plaintiff Wesley Eisold (“Agreement”) (relevant to Count II) and we shared our respective positions regarding interpretation of the Agreement; (ii) Defendant’s position that Plaintiff has only identified eight products in the SAC as violating the Agreement and/or not authorized (which was raised as early as in the meet and confer in advance of Defendants’ first motion to dismiss Plaintiff’s First Amended Complaint (“FAC”)) (relevant to Counts II-IV); (iii) Defendant’s lack of knowledge of the Agreement, which was also outlined in Defendant’s first motion to dismiss, and Plaintiff’s new knowledge allegations, which were speculative and lacked factual basis (relevant to all Counts); and (iv) Defendants’ position that use of Defendant Cody Runnels’ mark was expressly

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1 authorized by the Agreement and that WWE and Fanatics are beneficiaries of that
2 consent (relevant to Count IV).

3 6. Plaintiff's counsel disagreed that the SAC was deficient. In particular,
4 Plaintiff believes that the Agreement is plainly interpreted to require that wrestling
5 indicia and/or Cody's likeness and/or name must be on the apparel itself and rejected
6 Defendants' interpretation; that Plaintiff has adequately plead knowledge and the other
7 Counts to the SAC, including that all products sold by Defendants containing the term
8 "American Nightmare" were placed in issue, not just the products identified in Exhibit
9 6 (or in the SAC generally).

10 **Annex 1 to Motion to Dismiss**

11 7. To assist the Court with analyzing the products to assess breach
12 allegations, I used the images Plaintiff included in Exhibit 6 to the SAC and marked
13 areas that include (a) Runnels' name; (b) Runnels' name and likeness; and (c)
14 substantial wrestling-related indicia. *See* Annex 1, attached to Defendants' Motion.

15 **Requests for Judicial Notice**

16 8. On July 10, 2025, at my direction, my office accessed the United States
17 Patent and Trademark Office's ("USPTO") Trademark Status and Document Retrieval
18 ("TSDR") tool and downloaded the prosecution histories for, and current statuses of,
19 U.S. Trademark Registration Nos. 3538710, 4625255, 3412176, 4689835, 2772683,
20 4538210, and 4689839. True and correct copies of the TSDR records for U.S.
21 Trademark Registration Nos. 3538710, 4625255, 3412176, 4689835, 2772683,
22 4538210, and 4689839 are combined and attached to Defendants' Request for Judicial
23 Notice as Exhibit A.

24 9. On July 10, 2025, at my direction, my office accessed the USPTO's TSDR
25 tool and downloaded the prosecution history for, and current status of, U.S. Trademark
26 Registration No. 6256132. A true and correct copy of the TSDR records for U.S.
27 Trademark Registration No. 6256132 is attached to Defendants' Request for Judicial
28 Notice as Exhibit B.

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1 10. On July 10, 2025, at my direction, my office accessed the USPTO's TSDR
2 tool and downloaded the prosecution history for, and current status of, U.S. Trademark
3 Registration No. 6397093. A true and correct copy of the TSDR records for U.S.
4 Trademark Registration No. 6397093 is attached to Defendants' Request for Judicial
5 Notice as Exhibit C.

6 11. On July 10, 2025, I accessed an Encyclopedia Britannica publication online
7 which is related to Cody Runnels. The publication is available online at
8 <https://www.britannica.com/biography/Cody-Rhodes>. A true and correct copy of the
9 publication is attached to Defendants' Request for Judicial Notice as Exhibit D-1.

10 12. On July 10, 2025, I accessed a New York Times article online which is
11 related to Cody Runnels. The article is available online at the following link:
12 <https://www.nytimes.com/athletic/5398800/2024/04/08/cody-rhodes-wrestlemania->
13 [wwe-dusty-rhodes/](https://www.nytimes.com/athletic/5398800/2024/04/08/cody-rhodes-wrestlemania-). A true and correct copy of the article is attached to Defendants'
14 Request for Judicial Notice as Exhibit D-2.

15 13. On July 10, 2025, I accessed an entertainment publication related to Cody
16 Runnels which was posted on The Sportster's online website. The publication is
17 available online at the following link: [https://www.thesportster.com/wwe-story-behind-](https://www.thesportster.com/wwe-story-behind-cody-rhodes-infamous-neck-tattoo-explained/)
18 [cody-rhodes-infamous-neck-tattoo-explained/](https://www.thesportster.com/wwe-story-behind-cody-rhodes-infamous-neck-tattoo-explained/). A true and correct copy of the
19 publication is attached to Defendants' Request for Judicial Notice as Exhibit D-3.

20 14. On July 10, 2025, I accessed a video posted on YouTube which is related
21 to Cody Runnels and his dog, Pharaoh. At the time of this declaration, the video is
22 available online at <https://www.youtube.com/watch?v=3lvp76knUto>. The video is
23 referenced in Defendants' Request for Judicial Notice as Exhibit E-1. The video is
24 available to be lodged with the Court in the Court's preferred format upon request.

25 15. On July 10, 2025, I accessed a video posted on YouTube which is related
26 to Cody Runnels and his dog, Pharaoh. At the time of this declaration, the video is
27 available online at https://www.youtube.com/watch?v=I_jvVXxOfSM. The video is
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1 referenced in Defendants' Request for Judicial Notice as Exhibit E-2. The video is
2 available to be lodged with the Court in the Court's preferred format upon request.

3 16. On July 10, 2025, I accessed a video posted on YouTube which is related
4 to Cody Runnels. At the time of this declaration, the video is available online at
5 https://www.youtube.com/watch?v=S5O4E_B5cNQ. The video is referenced in
6 Defendants' Request for Judicial Notice as Exhibit E-3. The video is available to be
7 lodged with the Court in the Court's preferred format upon request.

8 17. On July 10, 2025, I accessed a video posted on YouTube which includes
9 video clips from the WWE 2K24 video game. At the time of this declaration, the video
10 is available online at <https://www.youtube.com/shorts/agtMnYdsg6Y>. The video is
11 referenced in Defendants' Request for Judicial Notice as Exhibit E-4. The video is
12 available to be lodged with the Court in the Court's preferred format upon request.

13 18. On July 10, 2025, at my direction, my office accessed the USPTO
14 Trademark Trial and Appeal Board's ("TTAB") TTABVUE tool and downloaded the
15 proceeding history for TTAB Proceeding No. 91250336. True and correct copies of the
16 TTAB records for Proceeding No. 91250336 are combined and attached to Defendants'
17 Request for Judicial Notice as Exhibit F.

18 I declare under penalty of perjury and under the laws of the United States that the
19 foregoing is true and correct. Executed this 11th day of July, 2025, at Los Angeles,
20 California.

21 /s/ Stacey H. Wang
22 Stacey H. Wang
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